

Court of Appeals, State of Michigan

ORDER

People of MI v Gerald Edwards

Docket No. 258014

LC No. 04-007744-FH

Donald S. Owens

Presiding Judge

Peter D. O'Connell

Patrick M. Meter
Judges

The Court orders the motion for remand pursuant to MCR 7.211(C)(1) is GRANTED, and the matter is remanded to the trial court so appellant may file a motion for new trial on the ground that a juror should have been dismissed for cause, but for an alleged misrepresentation of fact by the prosecutor. Within 14 days of the Clerk's certification of this order, appellant shall file the motion for a new trial with the trial court and shall file a copy of the motion and any supporting brief with this Court. Proceedings on remand are limited to the issues raised in appellant's motion for remand.

Within 56 days of the certification of this order, the trial court shall hear and decide the motion for a new trial. The trial court shall make findings of fact and a determination on the record. The trial court shall order the court reporter to prepare and file the transcript of any hearing within 21 days of the completion of the proceeding. Within 14 days of its entry, appellant shall file a copy of the order deciding the motion with the Clerk of this Court.

This Court retains jurisdiction in the cause, and the time for proceeding with the appeal in this Court begins upon issuance of an order that disposes of the motion below. If appellant fails to file the motion for a new trial with the trial court within 14 days of the certification of this order, the time for proceedings in this Court shall recommence.



A true copy entered and certified by Sandra Schultz Mengel, Chief Clerk, on

JUL - 6 2005

Date

Sandra Schultz Mengel
Chief Clerk